REMARKS

Claims 1-22 were pending in this application. In the present Supplemental Amendment, claims 1, 11, 12, 13 and 14 have been amended and claim 22 has been canceled. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The courtesies of Examiners Noori and Martir in conducting an in-person interview on February 16, 2005 is greatly appreciated. The rejections of record and the applied prior art were discussed during the interview on February 16, 2005. As indicated in the Interview Summary dated February 16, 2005, the Examiners stated that it appeared that independent claim 21 overcomes the rejection under 35 U.S.C. § 102(b) predicated upon Fujii (U.S. Pat. No. 6,374,168). The Examiners indicated that Fujii does not appear to disclose or suggest a control unit, under the tension control based on detection data by the obstacle detecting unit, that is adapted to detect a braking operation of the passenger and prohibit the tension control for a predetermined time period, thereby reducing troublesomeness of the passenger, as required in independent claim 21. Moreover, the Examiners agreed that it appeared Fujii does not disclose the feature of prohibiting the tension control for a predetermined time period. In view of the discussions during the personal interview, Applicant submits a supplemental amendment to

claims 1, 11, 12, 13 and 14, which Applicant believes distinguishes the present subject matter over the applied prior art. Applicant submits that the above statement accurately memorializes the personal interview of February 16, 2005. Prompt favorable reconsideration of this case is solicited.

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as being anticipated over Fujii (U.S. Pat. No. 6,374,168, hereinafter "Fujii"). Applicant respectfully traverses the rejection for the reasons outlined below. Applicant submits that claims 1-21 are free from the applied art for the reasons outlined below.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. There are significant differences between the claimed invention and the method and device disclosed by Fujii that would preclude the factual determination that Fujii identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

Fujii's seat belt system discloses a tension to a webbing that is controlled by a motor and the like in accordance with a driving operation of the driver. However, Applicant submits that both the object and control method of the present claimed subject matter are completely different from those of Fujii.

As described in the present specification, an object of the present invention is to prohibit the tension force when the tension is not necessary in order to reduce the passenger's sense of incompatibility, or in other words, reduce troublesomeness of passenger. Another object is to

detect a timing for prohibiting a tension force, in which the timing is judged based on a situation with a lower degree of risk.

As one example, the timing is detected when the passenger steps on a brake to reduce the vehicle speed. The control unit is able to detect a passenger's braking operation and further prohibits the tension control, based on detection data by the obstacle detecting unit, only for a predetermined period when the canceling of the passenger's braking operation is detected. It is therefore possible to reduce the passenger's sense of incompatibility (i.e. reduce troublesomeness of the passenger).

Another example is when the passenger manipulates a winker or a gear-shift lever. When the winker or gear shift is manipulated by a passenger, the tension control is prohibited based on detection data by the obstacle detecting unit for only a predetermined period.

Yet another example is when the passenger manipulates a steering wheel or steps on an accelerator pedal. The operational control of the first pretensioner (i.e. tension control of the webbing) is prohibited following the detection of the passenger's manipulation of the steering wheel or the accelerator pedal, unless a predetermined period has passed since detection of the passenger's manipulation of the steering wheel or accelerator pedal.

In each of the preceding examples (described in further detail in the specification), the passenger's manipulation of the winker, steering wheel, accelerator pedal, gear shift or brake pedal is based on the premise that the passenger is keeping observation on the front of a passenger's vehicle (i.e. the passenger's consciousness level is high).

Independent claim 1 (as amended) recites, in pertinent part, a control unit for controlling the first tension by the first pretensioner in accordance with at least one of a tension control based on detection data by the manipulated brake detecting unit and another tension control

based on detection data by the obstacle detecting unit. The control unit, under the tension control based on detection data by the manipulated brake detecting unit, allows the first pretensioner to always operate when it is judged that the vehicle is braking in an emergency. Further, the control unit, under the tension control based on detection data by the obstacle detecting unit, allows the first pretensioner to operate selectively and the control unit is adapted to detect an operation of the passenger and prohibit the tension control based on detection data by the obstacle detecting unit for a predetermined time period.

Independent claim 11 (as amended) recites, in pertinent part, a control means for controlling the first tension by the first pretensioner in accordance with at least one of a tension control based on detection data by the manipulated brake detecting means and another tension control based on detection data by the obstacle detecting means. The control means, under the tension control based on detection data by the manipulated brake detecting means, allows the first pretensioner to always operate when it is judged that the vehicle is braking in an emergency. Further, the control means, under the tension control based on detection data by the obstacle detecting means, allows the first pretensioner to operate selectively and the control means is adapted to detect an operation of the passenger and prohibit the tension control based on detection data by the obstacle detecting unit for a predetermined time period.

Independent claim 12 (as amended) describes a method for controlling a seatbelt for a vehicle, comprising the pertinent steps of applying a first tension to the webbing under the tension control based on detection data of the manipulated amount of the brake pedal always when it is judged that the vehicle is braking in an emergency; detecting an operation of the passenger and prohibiting the tension control based on detection data of the obstacle for a predetermined time period; applying another first tension to the webbing under the tension

control based on detection data of the obstacle selectively; and applying a second tension to the webbing in an emergency about the vehicle to restrain the passenger.

Independent claim 13 recites, in pertinent part, a webbing for restraining a passenger seated on a seat with a first tension or a second tension which is larger than the first tension, the second tension applied to the webbing in an emergency. A control unit is provided for controlling the first tension to the webbing in accordance with at least one of a tension control based on detection data by the manipulated brake detecting unit and another tension control based on detection data by the obstacle detecting unit. The control unit, under the tension control based on detection data by the manipulated brake detecting unit, always applies the first tension to the webbing when it is judged that the vehicle is braking, and the control unit, under the tension control based on detection data by the obstacle detecting unit, applies the first tension to the webbing selectively and the control unit is adapted to detect an operation of the passenger and prohibit the tension control based on detection data by the obstacle detecting unit for a predetermined time period.

Independent claim 14 (vehicle comprising a seatbelt apparatus) comprises all of the elements of the seatbelt apparatus of claim 1, including the limitation that the first pretensioner operates selectively and the control unit is adapted to detect an operation of the passenger and prohibit the tension control based on detection data by the obstacle detecting unit for a predetermined time period.

In contrast, the Fujii device controls a tension of the webbing in accordance with an operating situation of the vehicle. Fujii's basic concept is to apply a variable tension (tension force level) to the webbing. Fujii, at col. 5, lines 19-40, continually applies at least some tension force. In other words, when there is no possibility that the vehicle may collide with an object,

the tension force level is small, but when it is determined that there is a possibility of a collision with the obstacle, the tension force level is increased. Thus, Fujii fails to disclose or remotely suggest the basic concept of the present invention that the tension control of the webbing is selectively performed, much less that the control unit is adapted to detect an operation of the passenger and prohibit the tension control based on detection data by the obstacle detecting unit for a predetermined time period, as required in claims 1, 11, 13 and 14.

With respect to independent claim 12, Applicant submits that Fujii does not teach or remotely suggest a step of detecting an operation of the passenger and prohibiting the tension control based on detection data of the obstacle for a predetermined period of time. In contrast, Fujii, at col. 5, lines 19-40, continually applies at least some tension force. In other words, when there is no possibility that the vehicle may collide with an object, the tension force level is small, but when it is determined that there is a possibility of a collision with the obstacle, the tension force level is increased. Thus, Fujii is silent as to the step of prohibiting the tension control based on detection data of the obstacle for a predetermined period of time.

In view of the foregoing, Applicant submits that Fujii fails to identically disclose every feature of the claimed inventions and, therefore, the rejection of claims 1-12 under 35 U.S.C. § 102(b) is not legally viable and should be withdrawn. Moreover, claims 13-21 are free from the applied art for the reasons advanced above.

Applicants further submit that eh claimed inventions are not suggested by Fujii.

Dependent claims 2-10 are free from the applied art in view of their dependency from independent claim 1, the patentability of which is discussed *supra*. Dependent claims 15-20 are free from the applied art in view of their dependency from independent claim 14, the patentability of which is discussed *supra*.

It is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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